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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/068,512	02/06/2002	Louise C. Sengupta	PARA 50243	1051

27512 7590 05/04/2004
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DALLAS, TX 75206

EXAMINER

LEE, BENNY T

ART UNIT	PAPER NUMBER
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2817

DATE MAILED: 05/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

☐ This application has been examined ☒ Responsive to communication filed on 13 Feb 2004 ☒ This action is made final.

A shortened statutory period for response to this action is set to expire Three (3) month(s), 2 days from the date of this letter.
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

- | | |
|---|---|
| 1. <input type="checkbox"/> Notice of References Cited by Examiner, PTO-892. | 2. <input type="checkbox"/> Notice re Patent Drawing, PTO-948. |
| 3. <input type="checkbox"/> Notice of Art Cited by Applicant, PTO-1449. | 4. <input type="checkbox"/> Notice of Informal Patent Application, Form PTO-152 |
| 5. <input type="checkbox"/> Information on How to Effect Drawing Changes, PTO-1474. | 6. <input type="checkbox"/> _____ |

Part II SUMMARY OF ACTION

1. ☒ Claims 1-9 are pending in the application.
Of the above, claims _____ are withdrawn from consideration.
2. ☐ Claims _____ have been cancelled.
3. ☐ Claims _____ are allowed.
4. ☒ Claims 1-9 are rejected.
5. ☐ Claims _____ are objected to.
6. ☐ Claims _____ are subject to restriction or election requirement.
7. ☐ This application has been filed with informal drawings under 37 C.F.R. 1.85 which are acceptable for examination purposes.
8. ☐ Formal drawings are required in response to this Office action.
9. ☐ The corrected or substitute drawings have been received on _____ Under 37 C.F.R. 1.84 these drawings are ☐ acceptable; ☐ not acceptable (see explanation or Notice re Patent Drawing, PTO-948).
10. ☐ The proposed additional or substitute sheet(s) of drawings, filed on _____ has (have) been ☐ approved by the examiner; ☐ disapproved by the examiner (see explanation).
11. ☐ The proposed drawing correction, filed _____, has been ☐ approved; ☐ disapproved (see explanation).
12. ☐ Acknowledgement is made of the claim for priority under U.S.C. 119. The certified copy has ☐ been received ☐ not been received ☐ been filed in parent application, serial no. _____; filed on _____.
13. ☐ Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.
14. ☐ Other

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Claims 1-9 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

In claim 1, note that “first and second ground planes” being “positioned on opposite end of said center strip” remains unsupported by the original specification and thus continues to be treated as “new matter”.

Claims 1-9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Where applicant acts as his or her own lexicographer to specifically define a term of a claim contrary to its ordinary meaning, the written description must clearly redefine the claim term and set forth the uncommon definition so as to put one reasonably skilled in the art on notice that the applicant intended to so redefine that claim term. *Process Control Corp. v. HydReclaim Corp.*, 190 F.3d 1350, 1357, 52 USPQ2d 1029, 1033 (Fed. Cir. 1999). The term “opposite ends” in claim 1 is used by the claim to mean “the opposite edges or sides of the center strip which extend along the length or longitudinal direction of the center strip”, while the accepted meaning is “the opposite edges or ends of the center strip which are oriented perpendicular to the length or longitudinal direction of the center strip.” The term is indefinite because the specification does not clearly redefine the term.

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In claim 1, note that it remains unclear whether the “center strip” being “positioned adjacent to a first edge of each of said first and second rectangular slabs ...” is a proper characterization.

Applicant's arguments filed 13 February 2004 have been fully considered but they are not persuasive.

With respect to the “new matter” rejection and the indefiniteness rejection pertaining to the “opposite ends”, applicants’ have argued that page 8, line 8 of the original specification (pertaining to elements 134, 136 & 138 of Fig. 9) provides support for the “opposite ends” limitation recited in claim 1.

Contrary to applicants’ assertion, it should be noted that the description at page 8, line 8 of the original specification refers to a description of the “waveguide” embodiment of “fig. 10” (and not the fig. 9 embodiment corresponding to the claimed invention) and contains no reference to the aforementioned reference numbers (i.e. 134, 136, 138 of Fig. 9). Accordingly, applicants’ arguments regarding the issues raised above have been found unpersuasive and both the “new matter” and indefiniteness rejections stand for reasons of record.

With respect to the limitation that the “center strip” is positioned adjacent “each” of the first & second rectangular slab, applicants’ refer the examiner to “fig. 9” and points out that “even if there were more than two rectangular slabs, they would still be adjacent ...”.

Contrary to applicants’ assertion, it is not evident, absent any corresponding disclosure in the original specification, from the depiction in Fig. 9 whether the center strip is indeed adjacent “each” of the first edges of the first and second rectangular slabs. It should be noted that drawing figures are not necessarily drawn to scale and thus may not depict the actual configuration.

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The following changes have been suggested by the examiner to improve the form of the claims in a non-limiting manner and should be adopted by applicants':

In claim 1, second & third paragraphs, note that "of a horizontally stacked multi-layered stack of rectangular slabs" should be deleted from each paragraph as being unnecessary; third paragraph, third & fourth lines therein, note that "a dielectric constant that is less than the dielectric constant" should be rephrased as --said dielectric constant that is less than a dielectric constant-- for an appropriate characterization; fifth paragraph, fourth line therein, note that "a dielectric constant" should be rephrased as --the dielectric constant-- for clarity of description.

In claim 3, line 3, note that "within said" should be deleted as being unnecessary; line 4, note that "multi-layered stack of" should be rephrased as --with said first and second--.

Claims 1-9 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action.

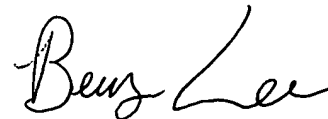
THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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Any inquiry concerning this communication should be directed to Benny Lee at
telephone number 571 272 1764.

B. Lee

A handwritten signature in cursive script, appearing to read "Benny Lee".

BENNY T. LEE
PRIMARY EXAMINER
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